

JOURNAL OF THE SENATE

EIGHTY-EIGHTH SESSION

THIRTY-FIRST DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, February 27, 2013

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Reverend John Armstrong, followed by the Pledge of Allegiance led by Senate page Marie Stucke.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the thirtieth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

1

2

3

4

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Also MR. PRESIDENT:

2 The Committee on Local Government respectfully reports that it has had under
3 consideration HB 1085 and returns the same with the recommendation that said bill be amended
4 as follows:

5 1085ra

6 On page 2, line 16, of the printed bill, delete "or" and insert "or".

7 And that as so amended said bill do pass.

8 Respectfully submitted,
9 Mark Kirkeby, Chair

10 Also MR. PRESIDENT:

11 The Committee on Appropriations respectfully reports that it has had under consideration
12 HB 1050 and returns the same with the recommendation that said bill be amended as follows:

13 1050tb

14 On page 1, line 12, of the printed bill, after "." insert "A county need not pay its cost share
15 before receiving funds pursuant to this section. However, any county that receives such funds
16 shall pay its cost share amount during the period beginning January 1, 2013, and ending June
17 30, 2014."

18 And that as so amended said bill do pass.

19 Also MR. PRESIDENT:

20 The Committee on Appropriations respectfully reports that it has had under consideration
21 HB 1096 and returns the same with the recommendation that said bill be amended as follows:

22 1096jd

23 On the House engrossed bill, delete everything after the enacting clause and insert:

24 "Section 1. The Unified Judicial System may establish a pilot program to assist rural
25 counties in recruiting attorneys.

26 Section 2. A county eligible to participate in the recruitment assistance pilot program is any
27 county in this state which:

- 1 (1) Has a population of ten thousand persons or less;
- 2 (2) Agrees to provide its portion of the incentive payment pursuant to the provisions of
- 3 this Act; and
- 4 (3) Is determined to be eligible by the Unified Judicial System.

5 Each interested county shall apply to the Unified Judicial System. Before making a
6 determination of eligibility, the Unified Judicial System shall conduct a county assessment
7 designed to evaluate the county's need for an attorney and its ability to sustain and support an
8 attorney. The Unified Judicial System shall maintain a list of counties that have been assessed
9 and that are eligible for participation in the recruitment assistance pilot program established by
10 this Act. The Unified Judicial System may revise any county assessment or conduct a new
11 assessment as necessary to reflect any change in conditions within a county.

12 Section 3. In making the selection of the participating counties, the Unified Judicial System
13 shall be guided by:

- 14 (1) Demographics of the county;
- 15 (2) Age and number of the current membership of the county bar;
- 16 (3) Recommendation of the presiding circuit judge;
- 17 (4) Programs of economic development within the county;
- 18 (5) Geographical location to other counties receiving assistance;
- 19 (6) Evaluation of the attorney seeking assistance under this program;
- 20 (7) Existing or previous ties of the applicant to the county; and
- 21 (8) Prior participation by the county in this pilot program.

22 Section 4. An attorney licensed to practice in South Dakota is eligible to participate in the
23 recruitment assistance pilot program established pursuant to this Act. The attorney shall agree
24 to practice in an eligible rural county for at least five years. No more than a total of sixteen
25 attorneys may participate in the program. No attorney may be added to the program after July 1,
26 2017.

27 Section 5. Any attorney who fulfills the requirements of the recruitment assistance pilot
28 program established pursuant to this Act, is entitled to receive an incentive payment in five
29 equal annual installments, each in an amount equal to ninety percent of the University of South
30 Dakota School of Law resident tuition and fees as determined on July 1, 2013.

31 Section 6. Any agreement for the payment of recruitment assistance pursuant to this Act
32 shall obligate the rural county served by the attorney to provide thirty-five percent of the total
33 amount of the incentive payment in five equal annual installments. After the rural county
34 certifies to the Unified Judicial System that it has paid the attorney the annual amount for which
35 it is obligated and the State Bar of South Dakota or its designee has paid fifteen percent of the
36 annual installment to the Unified Judicial System, the Unified Judicial System shall pay to the
37 attorney the remaining balance of the total installment payment amount for that year. The
38 Unified Judicial System shall pay the required amount out of funds appropriated in section 10
39 of this Act and the funds received from the State Bar of South Dakota pursuant to this Act. A
40 county may prepay its portion of the incentive payment at any time during the five-year period.

1 If the attorney has received a payment pursuant to this Act and subsequently breeches the
2 agreement, the attorney shall repay all sums received pursuant to this Act under the terms and
3 conditions set by the Unified Judicial System. Failure to make repayment is grounds for
4 discipline by the State Bar of South Dakota and the Supreme Court.

5 Section 7. Any rural county may appropriate funds for the purpose of carrying out the
6 provisions of this Act. A rural county may enter an agreement with any county, municipality,
7 school district, or nonprofit entity to assist the county in carrying out the provisions of this Act.

8 Section 8. No recruitment assistance agreement entered into pursuant to the provisions of
9 this Act is effective until it is filed with and approved by the Unified Judicial System. The
10 agreement shall provide that the attorney practice law full-time in the eligible county for at least
11 five years. The Supreme Court may promulgate rules necessary to implement the provisions of
12 this Act pursuant to chapter 1-26.

13 Section 9. No person may participate in the program established pursuant to the provisions
14 of this Act if the person has previously participated in the program, or any other state or federal
15 scholarship, loan repayment, or tuition reimbursement program that obligates the person to
16 provide attorney services within an underserved area.

17 Section 10. There is hereby appropriated from the general fund the sum of four hundred
18 seventy-five thousand dollars (\$475,000), or so much thereof as may be necessary, to the
19 Unified Judicial System other fund fiduciary account to provide payments described in section
20 5 of this Act.

21 Section 11. The Chief Justice shall approve vouchers and the state auditor shall draw
22 warrants to pay expenditures authorized by this Act.

23 Section 12. Any amounts appropriated in this Act not lawfully expended or obligated shall
24 revert in accordance with the procedures prescribed in chapter 4-8.

25 Section 13. The Unified Judicial System shall annually file with the Legislative Research
26 Council a report on the status of the program.

27 Section 14. In order to fully fund the incentive payment, the Unified Judicial System is
28 specially authorized to receive from the State Bar of South Dakota fifteen percent of the total
29 amount of an incentive payment authorized pursuant to this Act in five equal annual
30 installments and place the funds in the Unified Judicial System other fund fiduciary fund."

31 1096jta

32 On page 1, line 1, of the House engrossed bill, delete everything after "to" and insert
33 "provide for the transfer and appropriation of funds upon the occurrence of certain events and
34 to assist rural counties in the recruitment of attorneys."

1 And that as so amended said bill do pass.

2 Respectfully submitted,
3 Deb Peters, Chair

4 Also MR. PRESIDENT:

5 The Committee on Health and Human Services respectfully reports that it has had under
6 consideration HB 1233 and returns the same with the recommendation that said bill be amended
7 as follows:

8 1233jb

9 On page 1, line 5, of the House engrossed bill, delete "licensed medical professionals" and
10 insert "any volunteer who is a licensed health care professional under Title 36".

11 On page 2, delete lines 4 and 5.

12 And that as so amended said bill do pass.

13 Respectfully submitted,
14 Jean M. Hunhoff, Chair

15 Also MR. PRESIDENT:

16 The Committee on Taxation respectfully reports that it has had under consideration
17 HB 1189 and returns the same with the recommendation that said bill do pass.

18 Also MR. PRESIDENT:

19 The Committee on Taxation respectfully reports that it has had under consideration
20 HB 1143 which was deferred to the 41st Legislative Day.

21 Respectfully submitted,
22 Ryan Maher, Chair

23 Also MR. PRESIDENT:

24 The Committee on State Affairs respectfully reports that it has had under consideration
25 HB 1061 and 1237 and returns the same with the recommendation that said bills do pass.

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 HB 1056, 1170, and 1209 and returns the same with the recommendation that said bills do pass
4 and be placed on the consent calendar.

5 Also MR. PRESIDENT:

6 The Committee on State Affairs respectfully reports that it has had under consideration
7 HB 1045 and returns the same with the recommendation that said bill be amended as follows:

8 1045jb

9 On page 2 of the House State Affairs Committee engrossed bill, delete lines 2 and 3, and
10 insert "The secretary shall promulgate rules pursuant to chapter 1-26 within six months of any
11 decision to use any of the alternative apportionment methods provided under this section."
12

13 And that as so amended said bill do pass.

14 Also MR. PRESIDENT:

15 The Committee on State Affairs respectfully reports that it has had under consideration
16 HB 1098 and returns the same with the recommendation that said bill be amended as follows:

17 1098ca

18 On the printed bill, delete everything after the enacting clause and insert:

19 "Section 1. That chapter 1-16A be amended by adding thereto a NEW SECTION to read
20 as follows:

21 Beginning July 1, 2013, any bonds, notes or other obligations of the authority which are
22 payable out of receipts, rentals, and other payments made pursuant to lease purchase agreements
23 with the Western Dakota Technical Institute, the Southeast Technical Institute, the Lake Area
24 Technical Institute, the Mitchell Technical Institute, or the South Dakota Board of Education
25 under the authority of chapter 13-39 may only be issued if the Board of Education determines,
26 by the adoption of a resolution, that the estimated receipts, rentals, and other payments,
27 including appropriations by the Legislature, student fee payments, or other balances or revenues
28 pledged under the applicable bond indenture or similar agreement will not be less than one
29 hundred three percent of the projected scheduled payments of principal and interest on all
30 outstanding bonds which, for purposes of that determination shall include the proposed bonds
31 to be issued and shall exclude any bonds to be refunded. In issuing additional bonds, the
32 authority may conclusively rely upon the determination of the board.

Section 2. That chapter 1-16A be amended by adding thereto a NEW SECTION to read as follows:

The South Dakota Board of Education shall promulgate rules pursuant to chapter 1-26 establishing a methodology for forecasting anticipated contributions from student tuition and fees and additional state appropriations available pursuant to a lease purchase agreement to meet the projected scheduled payments of principal and interest on all outstanding bonds and other benchmarks.

Section 3. That chapter 1-16A be amended by adding thereto a NEW SECTION to read as follows:

Beginning on July 1, 2013, the issuance of any additional bonds, notes, or other obligations shall be approved by the Legislature before issuance. This requirement, however, does not apply to the issuance of bonds for the purposes of refinancing or refunding existing bonds, notes, or other obligations.

Section 4. The issuance by the Health and Educational Facilities Authority of additional bonds, notes, or other obligations in a principal amount not to exceed eighteen million five hundred thousand dollars for a lease purchase agreement with the Western Dakota Technical Institute to finance the acquisition, construction, and other costs associated with technical lab space and classrooms for various programs, including diesel technician and technology, agriculture science, construction technology, fire science, paramedic and emergency medical technicians, and to remodel the South Mickelson building is hereby authorized and approved.

Section 5. The issuance by the Health and Educational Facilities Authority of additional bonds, notes, or other obligations in a principal amount not to exceed twenty million dollars for a lease purchase agreement with the Southeast Technical Institute to finance the acquisition, construction, and other costs associated with a transportation technology center to house various technical programs, including diesel, auto, and auto body collision programs and other facility improvements necessary for other programs is hereby authorized and approved.

Section 6. Beginning in fiscal year 2015, payments made pursuant to lease purchase agreements with the Western Dakota Technical Institute, the Southeast Technical Institute, the Lake Area Technical Institute, the Mitchell Technical Institute, or the South Dakota Board of Education under the authority of chapter 13-39 shall be paid in part from an appropriation to be made by the Legislature in an amount that is equal to or greater than fifty percent of the technical institute facility fee that is administered by the Department of Education.

Section 7. That § 1-16A-77 be repealed.

~~1-16A-77. The aggregate outstanding principal amount of bonds, notes, or other obligations of the authority which are payable out of receipts, rentals, and other payments made pursuant to lease purchase agreements with an LEA or the South Dakota Board of Education under the authority of chapter 13-39, may not exceed one hundred five million dollars for obligations issued by the authority in connection with any lease purchase agreement with the Western Dakota Technical Institute, the Southeast Technical Institute, the Lake Area Technical Institute or the Mitchell Technical Institute. However, at the option of the authority to be expressed in~~

~~a resolution or an indenture which authorizes or authorized any refunding bonds, the principal amount of the bonds, notes, or other obligations which are issued to refund, pay, discharge, or defease any outstanding bonds, notes, or other obligations or which are, as a result of issuance of any such refunding obligations, deemed to be paid, discharged, or defeased by reason of an irrevocable deposit of cash or securities, may be excluded from the total principal amount of obligations of the authority for the purpose of determining compliance with the limitation of this section."~~

1098cta

On page 1, line 1, of the printed bill, delete everything after "An Act to" and insert "provide for bonding authorization for the postsecondary technical institutes and to authorize bonds for lease purchase agreements with Western Dakota Technical Institute and Southeast Technical Institute."

On page 1, delete line 2.

And that as so amended said bill do pass.

Respectfully submitted,
Larry Rhoden, Chair

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration HB 1080 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Mike Vehle, Chair

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to return herewith SB 4, 7, 43, 64, 65, 89, 117, 133, 139, 146, 168, 189, 190, 204, and 205 which have passed the House without change.

Also MR. PRESIDENT:

I have the honor to return herewith SB 1, 5, 39, 71, 80, and 120 which have been amended by the House and your concurrence in the amendments is respectfully requested.

Respectfully,
Arlene Kvislen, Chief Clerk

MOTIONS AND RESOLUTIONS

Sen. Olson moved that when we adjourn today, we adjourn to convene at 12:30 p.m. on Thursday, February 28, the 32nd legislative day.

Which motion prevailed.

Sen. Olson moved that SCR 5 be deferred to Monday, March 4, the 33rd legislative day.

Which motion prevailed.

Sen. Olson moved that HB 1030, 1239, 1164, 1033, 1068, and 1108 be deferred to Thursday, February 28, the 32nd legislative day.

Which motion prevailed.

Sen. Johnston moved that the Senate do concur in House amendments to SB 96.

The question being on Sen. Johnston's motion that the Senate do concur in House amendments to SB 96.

And the roll being called:

Yeas 29, Nays 6, Excused 0, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Rampelberg; Rave; Soholt; Sutton; Vehle; Welke; White

Nays:

Jones; Peters; Rhoden; Tidemann; Tieszen; Van Gerpen

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and the amendments were concurred in.

Sen. Novstrup moved that the Senate do concur in House amendments to SB 145.

The question being on Sen. Novstrup's motion that the Senate do concur in House amendments to SB 145.

1 And the roll being called:

2 Yeas 31, Nays 4, Excused 0, Absent 0

3 Yeas:

4 Adelstein; Begalka; Brown; Buhl; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen;
5 Johnston; Jones; Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Olson (Russell);
6 Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Tidemann; Tieszen; Van
7 Gerpen; Vehle; Welke; White

8 Nays:

9 Bradford; Frerichs; Lucas; Sutton

10 So the motion having received an affirmative vote of a majority of the members-elect, the
11 President declared the motion carried and the amendments were concurred in.

12 Sen. Krebs moved that the Senate do concur in House amendments to SB 156.

13 The question being on Sen. Krebs' motion that the Senate do concur in House amendments
14 to SB 156.

15 And the roll being called:

16 Yeas 31, Nays 4, Excused 0, Absent 0

17 Yeas:

18 Adelstein; Begalka; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
19 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al);
20 Olson (Russell); Omdahl; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van
21 Gerpen; Vehle; Welke; White

22 Nays:

23 Bradford; Lucas; Otten (Ernie); Peters

24 So the motion having received an affirmative vote of a majority of the members-elect, the
25 President declared the motion carried and the amendments were concurred in.

26 Sen. Vehle moved that the Senate do not concur in House amendments to SB 151 and that
27 a committee of three on the part of the Senate be appointed to meet with a like committee on
28 the part of the House to adjust the differences between the two houses.

29 Which motion prevailed and the President announced as such committee Sens. Vehle,
30 Krebs, and Frerichs.

HCR 1009: A CONCURRENT RESOLUTION, Recognizing South Dakota's 125th birthday, quasiquicentennial, during 2014.

Was read the second time.

Sen. Heineman moved that the Senate do concur in HCR 1009 as found on page 499 of the House Journal.

The question being on Sen. Heineman's motion that HCR 1009 be concurred in.

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and HCR 1009 was concurred in.

HCR 1010: A CONCURRENT RESOLUTION, Recognizing the achievements of President Gerald Ford.

Was read the second time.

Sen. Otten moved that the Senate do concur in HCR 1010 as found on page 500 of the House Journal.

The question being on Sen. Otten's motion that HCR 1010 be concurred in.

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Vehle; Welke; White

Excused:

Van Gerpen

1 So the motion having received an affirmative vote of a majority of the members-elect, the
2 President declared the motion carried and HCR 1010 was concurred in.

3 HCR 1011: A CONCURRENT RESOLUTION, Encouraging pedestrians and bicyclists
4 to wear bright colored clothing when using a public highway and for motorists to watch for
5 pedestrians and bicyclists.

6 Was read the second time.

7 Sen. Adelstein moved that the Senate do concur in HCR 1011 as found on page 501 of the
8 House Journal.

9 The question being on Sen. Adelstein's motion that HCR 1011 be concurred in.

10 And the roll being called:

11 Yeas 34, Nays 0, Excused 1, Absent 0

12 Yeas:

13 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
14 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
15 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
16 Soholt; Sutton; Tidemann; Tieszen; Vehle; Welke; White

17 Excused:

18 Van Gerpen

19 So the motion having received an affirmative vote of a majority of the members-elect, the
20 President declared the motion carried and HCR 1011 was concurred in.

21 **CONSIDERATION OF REPORT OF COMMITTEE**

22 Sen. Olson moved that the report of the Standing Committee on
23 Commerce and Energy on HB 1234 as found on page 575 of the Senate Journal be adopted.
24 Which motion prevailed.

25 **SECOND READING OF CONSENT CALENDAR ITEMS**

26 Sen. Lucas requested that HB 1194 be removed from the Consent Calendar.

1 HB 1150: FOR AN ACT ENTITLED, An Act to amend provisions relating to violations
2 of no contact orders.

3 Was read the second time.

4 The question being "Shall HB 1150 pass as amended?"

5 And the roll being called:

6 Yeas 35, Nays 0, Excused 0, Absent 0

7 Yeas:

8 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
9 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
10 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
11 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 HB 1226: FOR AN ACT ENTITLED, An Act to provide remedies for assets omitted from
15 the division of property in the entry of a divorce decree.

16 Was read the second time.

17 The question being "Shall HB 1226 pass as amended?"

18 And the roll being called:

19 Yeas 35, Nays 0, Excused 0, Absent 0

20 Yeas:

21 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
22 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
23 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
24 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

25 So the bill having received an affirmative vote of a majority of the members-elect, the
26 President declared the bill passed and the title was agreed to.

27 HB 1102: FOR AN ACT ENTITLED, An Act to revise provisions regarding the South
28 Dakota Life and Health Insurance Guaranty Association Act.

1 Was read the second time.

2 The question being "Shall HB 1102 pass as amended?"

3 And the roll being called:

4 Yeas 35, Nays 0, Excused 0, Absent 0

5 Yeas:

6 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
7 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
8 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
9 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 HB 1103: FOR AN ACT ENTITLED, An Act to exempt credit health insurers from certain
13 provisions related to preexisting conditions.

14 Was read the second time.

15 The question being "Shall HB 1103 pass as amended?"

16 And the roll being called:

17 Yeas 35, Nays 0, Excused 0, Absent 0

18 Yeas:

19 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
20 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
21 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
22 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 President declared the bill passed and the title was agreed to.

25 HB 1191: FOR AN ACT ENTITLED, An Act to provide for the issuance of additional
26 retail fireworks licenses.

27 Was read the second time.

28 The question being "Shall HB 1191 pass as amended?"

1 And the roll being called:

2 Yeas 35, Nays 0, Excused 0, Absent 0

3 Yeas:

4 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
5 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
6 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden;
7 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

8 So the bill having received an affirmative vote of a majority of the members-elect, the
9 President declared the bill passed and the title was agreed to.

10 HB 1059: FOR AN ACT ENTITLED, An Act to repeal and revise certain obsolete and
11 unnecessary statutes and rules relating to the Department of Environment and Natural
12 Resources.

13 Was read the second time.

14 The question being "Shall HB 1059 pass?"

15 And the roll being called:

16 Yeas 35, Nays 0, Excused 0, Absent 0

17 Yeas:

18 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
19 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
20 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden;
21 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

22 So the bill having received an affirmative vote of a majority of the members-elect, the
23 President declared the bill passed and the title was agreed to.

24 HB 1062: FOR AN ACT ENTITLED, An Act to repeal and reenact certain provisions
25 regarding forestry and fire suppression.

26 Was read the second time.

27 The question being "Shall HB 1062 pass?"

28 And the roll being called:

29 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
3 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
4 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
5 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the bill having received an affirmative vote of a majority of the members-elect, the
7 President declared the bill passed and the title was agreed to.

8 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

9 HB 1174: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to
10 snowmobile operation.

11 Was read the second time.

12 The question being "Shall HB 1174 pass as amended?"

13 And the roll being called:

14 Yeas 35, Nays 0, Excused 0, Absent 0

15 Yeas:

16 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
17 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
18 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
19 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

20 So the bill having received an affirmative vote of a two-thirds majority of the members-
21 elect, the President declared the bill passed and the title was agreed to.

22 HB 1208: FOR AN ACT ENTITLED, An Act to prohibit the release of medical waste and
23 to provide a penalty therefor.

24 Was read the second time.

1208jd

26 Sen. White moved that HB 1208 be amended as follows:

27 On page 1, line 12, of the Senate Health and Human Services Committee engrossed bill,
28 delete "21-1-2(31)" and insert "22-1-2-(31)".

29 Which motion prevailed.

1 1208ra

2 Sen. White moved that HB 1208 be further amended as follows:

3

4 On page 2, after line 2 of the Senate Health and Human Services Committee engrossed bill,
5 insert:

6 "Section 3. No hauler or transporter of waste may be prosecuted for unlawful release of
7 medical waste under section 2 of this Act unless the hauler or transporter of waste had actual
8 knowledge that medical waste had been placed in the hauler or transporter's dumpster by another
9 person before the waste was released to the recycling center."

10 Which motion prevailed.

11 The question being "Shall HB 1208 pass as amended?"

12 And the roll being called:

13 Yeas 33, Nays 2, Excused 0, Absent 0

14 Yeas:

15 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
16 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
17 Olson (Russell); Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt; Sutton; Tidemann;
18 Tieszen; Van Gerpen; Vehle; Welke; White

19 Nays:

20 Novstrup (Al); Omdahl

21 So the bill having received an affirmative vote of a majority of the members-elect, the
22 President declared the bill passed and the title was agreed to.

23 HB 1075: FOR AN ACT ENTITLED, An Act to revise the membership of the Legislative
24 Planning Committee.

25 Was read the second time.

26 The question being "Shall HB 1075 pass as amended?"

27 And the roll being called:

28 Yeas 34, Nays 1, Excused 0, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
3 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup
4 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
5 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 Nays:

7 Lucas

8 So the bill having received an affirmative vote of a majority of the members-elect, the
9 President declared the bill passed and the title was agreed to.

10 HB 1087: FOR AN ACT ENTITLED, An Act to provide for the creation of school sentinel
11 programs and for the training of school sentinels.

12 Was read the second time.

13 1087cg

14 Sen. Tieszen moved that HB 1087 be amended as follows:

15 On page 5, after line 1 of the Senate State Affairs Committee engrossed bill, insert:

16 "Section 9. No law enforcement officer or county sheriff, nor the Law Enforcement
17 Officers Standards Commission, Division of Criminal Investigation, Office of Attorney General,
18 the State of South Dakota, nor any agents, employees, or members thereof, is liable for any
19 injury caused by, related to, or resulting from:

- 20 (1) The implementation of the school sentinel program established by this Act;
- 21 (2) The adoption, promulgation, administration, or implementation of educational and
22 training standards for school sentinels;
- 23 (3) The training provided by the Law Enforcement Officers Standards Commission, the
24 Division of Criminal Investigation, the Office of Attorney General, or the state;
- 25 (4) The approvals required by the county sheriff under this Act; or
- 26 (5) The performance, administration, or implementation of any services or programs that
27 assist a school district in carrying out its duties under this Act.

28 Section 10. Nothing in this Act shall be deemed to waive the sovereign immunity of the
29 public entities of the State of South Dakota or of their employees."

30 Which motion prevailed.

1087ob

Sen. Rhoden moved that HB 1087 be further amended as follows:

On page 5, after line 1 of the Senate State Affairs Committee engrossed bill, insert:

"Section 9. A decision by a school board to implement a school sentinel program pursuant to section 1 of this Act may be referred to a vote of the qualified voters of the school district by the filing of a petition signed by five percent of the registered voters in the school district, based upon the total number of registered voters at the last preceding general election. The board shall allow sufficient time for the referendum process authorized in this section.

Section 10. A petition to refer a school board decision pursuant to section 9 of this Act may be filed with the business manager of the school district within twenty days after its publication. The filing of the petition shall require the submission of the decision to a vote of the qualified voters of the school district for its rejection or approval.

Section 11. The petition shall contain the school board decision regarding the school sentinel program and the date of its passage.

Section 12. Voters signing a referendum petition under section 9 of this Act shall comply with the same requirements provided for counties under § 7-18A-11, and the petition shall be verified in the same manner as provided for counties in § 7-18A-12.

Section 13. The election shall be held with the regular school district election.

Section 14. The business manager of the school district shall have the entire referred decision published once a week for two successive weeks immediately preceding the election. The publication shall include a notice stating the date of election.

Section 15. The business manager of the school district shall have ballots printed for the vote upon the referred school board decision and have them distributed as other official ballots are distributed. Such ballots shall conform as near as may be to the law governing the submission of questions by the Legislature, except that the statement required to be printed on the ballots shall be prepared by the state's attorney. All questions to be voted upon at the same election may be submitted upon the same ballot.

Section 16. No referred school board decision regarding the school sentinel program becomes operative unless approved by a majority of the votes cast for or against the same. If approved, the decision shall take effect upon completion of the canvass of the election returns relating to the school sentinel program."

Which motion prevailed.

The question being "Shall HB 1087 pass as amended?"

And the roll being called:

1 Yeas 21, Nays 14, Excused 0, Absent 0

2 Yeas:

3 Adelstein; Begalka; Heineman (Phyllis); Jensen; Kirkeby; Krebs; Lederman; Maher; Monroe;
4 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
5 Soholt; Tieszen; Van Gerpen; Vehle

6 Nays:

7 Bradford; Brown; Buhl; Ewing; Frerichs; Holien; Hunhoff (Jean); Johnston; Jones; Lucas;
8 Sutton; Tidemann; Welke; White

9 So the bill having received an affirmative vote of a majority of the members-elect, the
10 President declared the bill passed and the title was agreed to.

11 HB 1126: FOR AN ACT ENTITLED, An Act to revise the massage therapy licensing
12 requirements.

13 Was read the second time.

14 The question being "Shall HB 1126 pass as amended?"

15 And the roll being called:

16 Yeas 33, Nays 0, Excused 2, Absent 0

17 Yeas:

18 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
19 Hunhoff (Jean); Jensen; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
20 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rhoden; Soholt; Sutton;
21 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

22 Excused:

23 Johnston; Rave

24 So the bill having received an affirmative vote of a two-thirds majority of the members-
25 elect, the President declared the bill passed and the title was agreed to.

26 HB 1144: FOR AN ACT ENTITLED, An Act to permit the euthanization of wildlife that
27 have been seriously injured in motor vehicle accidents.

28 Was read the second time.

29 The question being "Shall HB 1144 pass as amended?"

1 And the roll being called:

2 Yeas 32, Nays 2, Excused 1, Absent 0

3 Yeas:

4 Adelstein; Begalka; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
5 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
6 (Al); Olson (Russell); Otten (Ernie); Peters; Rampelberg; Rhoden; Soholt; Sutton; Tidemann;
7 Tieszen; Van Gerpen; Vehle; Welke; White

8 Nays:

9 Bradford; Omdahl

10 Excused:

11 Rave

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 HB 1017: FOR AN ACT ENTITLED, An Act to establish and revise certain provisions,
15 bond amounts, fees, and penalties related to the regulation of grain warehouses and grain buyers
16 and to declare an emergency.

17 Was read the second time.

18 The question being "Shall HB 1017 pass as amended?"

19 And the roll being called:

20 Yeas 35, Nays 0, Excused 0, Absent 0

21 Yeas:

22 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
23 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
24 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
25 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

26 So the bill having received an affirmative vote of a two-thirds majority of the members-
27 elect, the President declared the bill passed and the title was agreed to.

28 HB 1083: FOR AN ACT ENTITLED, An Act to revise the crime of rustling to include
29 sheep and goats.

30 Was read the second time.

1 The question being "Shall HB 1083 pass as amended?"

2 And the roll being called:

3 Yeas 33, Nays 2, Excused 0, Absent 0

4 Yeas:

5 Adelstein; Begalka; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
6 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al);
7 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt; Sutton;
8 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

9 Nays:

10 Bradford; Lucas

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill passed and the title was agreed to.

13 HB 1093: FOR AN ACT ENTITLED, An Act to allow the use of dogs to hunt mountain
14 lions and leashed dogs to track and retrieve wounded or presumed dead big game animals.

15 Was read the second time.

16 The question being "Shall HB 1093 pass as amended?"

17 And the roll being called:

18 Yeas 31, Nays 4, Excused 0, Absent 0

19 Yeas:

20 Adelstein; Begalka; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
21 (Jean); Jensen; Johnston; Jones; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
22 Olson (Russell); Omdahl; Otten (Ernie); Rempelberg; Rave; Rhoden; Sutton; Tidemann;
23 Tieszen; Van Gerpen; Vehle; Welke; White

24 Nays:

25 Bradford; Kirkeby; Peters; Soholt

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 HB 1187: FOR AN ACT ENTITLED, An Act to provide alternative brand inspection
29 procedures for certain rodeo livestock.

1 Was read the second time.

2 The question being "Shall HB 1187 pass as amended?"

3 And the roll being called:

4 Yeas 32, Nays 3, Excused 0, Absent 0

5 Yeas:

6 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
7 Hunhoff (Jean); Jensen; Jones; Kirkeby; Krebs; Lederman; Lucas; Monroe; Novstrup (Al);
8 Olson (Russell); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann;
9 Tieszen; Van Gerpen; Vehle; Welke; White

10 Nays:

11 Johnston; Maher; Peters

12 So the bill having received an affirmative vote of a two-thirds majority of the members-
13 elect, the President declared the bill passed and the title was agreed to.

14 HB 1163: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
15 filing of the certificate of limited partnerships.

16 Was read the second time.

17 1163jb

18 Sen. Rave moved that HB 1163 be amended as follows:

19 On page 1, line 11, of the House Judiciary Committee engrossed bill, after "~~copy the~~"
20 overstrike "word".

21 Which motion prevailed.

22 The question being "Shall HB 1163 pass as amended?"

23 And the roll being called:

24 Yeas 31, Nays 4, Excused 0, Absent 0

25 Yeas:

26 Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen;
27 Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Novstrup (Al); Olson (Russell); Omdahl;
28 Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van
29 Gerpen; Vehle; Welke; White

30 Nays:

31 Adelstein; Begalka; Krebs; Monroe

1

3

4

5

8

10

13

15

17

19

22

24

26

28

30

1 revolving fund subfund for various water and environmental purposes and to declare an
2 emergency.

3 SB 190: FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds
4 for elderly persons and persons with a disability, to revise the income eligibility requirements
5 for property and sales tax refunds, and to declare an emergency.

6 SB 204: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
7 deposit and expenditure of tobacco settlement revenues and bond proceeds.

8 SB 205: FOR AN ACT ENTITLED, An Act to authorize the hunting of wolves in certain
9 circumstances.

10 HB 1019: FOR AN ACT ENTITLED, An Act to authorize the involuntary treatment of
11 jailed prisoners with psychotropic medication.

12 HB 1020: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
13 evaluation and treatment of persons with mental illness.

14 HB 1028: FOR AN ACT ENTITLED, An Act to repeal the requirement that a minor be
15 accompanied by an adult while hunting mourning doves.

16 HB 1038: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse
17 certain family physicians, dentists, and physician assistants who have complied with the
18 requirements of the recruitment assistance program.

19 HB 1057: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related
20 to suppression of wildfires in the state and to declare an emergency.

21 HB 1074: FOR AN ACT ENTITLED, An Act to define the insurer's responsibilities
22 concerning health insurance policies in relation to the eligibility of minor dependents for
23 coverage.

24 HB 1079: FOR AN ACT ENTITLED, An Act to increase the fee for certain property tax
25 deeds.

26 HB 1081: FOR AN ACT ENTITLED, An Act to specify the duration of certain municipal
27 appointments.

28 HB 1082: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
29 designation of official newspapers for municipalities.

30 HB 1091: FOR AN ACT ENTITLED, An Act to establish certain provisions regarding the
31 labeling of motor fuel at a retail fuel pump and to declare an emergency.

32 HB 1101: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to public
33 employee grievance procedures.

HB 1118: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding special motor vehicle license plates for veterans with disabilities.

HB 1127: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the use of principal and interest in cemetery perpetual funds and to require perpetual cemeteries to submit an annual financial report to the secretary of state.

HB 1141: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding certain motor vehicle dealer license plates and permits.

HB 1158: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the posting of public notice for meetings of public bodies.

HB 1180: FOR AN ACT ENTITLED, An Act to allow veterans to receive credit for certain military training and experience.

And signed the same in the presence of the Senate.

COMMEMORATION

SC 20 Introduced by: Senators Lucas, Begalka, Bradford, Jones, Maher, Sutton, Tieszen, and Welke and Representatives Heinert, Bartling, Bolin, Greenfield, Hoffman, Hunhoff (Bernie), Killer, May, Olson (Betty), Qualm, Rounds, Russell, Schaefer, Schrempp, Tulson, Tyler, and Wismer

A LEGISLATIVE COMMEMORATION, Commending and honoring the White River Tigers Boys Gold Team on being champions of the 2012 Boys State Class B Golf Tournament.

WHEREAS, the White River Tigers Boys Golf Team, coached by Tom Cameron, was seven strokes behind the leader entering the final round. After rallying and tying in regulation play, the team won the state title in a two-hole playoff round; and

WHEREAS, the White River Tigers Boys Golf Team had an outstanding group effort with contributions from all of its members, including Skyler Bordeaux, Mat Beardt, Joe Cameron, and Patrick Lehman:

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the State of South Dakota, that the White River Tigers Boys Golf Team be commended and honored for winning the 2012 State Class B Boys Golf Tournament.

Sen. Novstrup moved that the Senate do now adjourn, which motion prevailed and at 5:07 p.m. the Senate adjourned.

Jeannette Schipper, Secretary